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GOVERNMENT OF CANADA AND MI'KMAQ OF NEWFOUNDLAND SIGN A HISTORIC FINAL AGREEMENT

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Ottawa, Ontario (August 13, 2008) - The Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, and Brendan Sheppard, President of the Federation of Newfoundland Indians (FNI), today celebrated the agreement to create the Qalipu Mi'kmaq First Nation Band *(external link, opens a new window)* for the Mi'kmaq of Newfoundland.

"This final agreement shows what is possible when two parties engage in positive, productive discussions," said Minister Strahl. "Our government worked with FNI to find a common solution, a made-for-Newfoundland approach that will help the Mi'kmaq of Newfoundland build a brighter future full of new opportunities."

The final agreement sets in motion an enrolment process that will provide eligible members of the Mi'kmaq of Newfoundland and Labrador with status under the *Indian Act*. A reserve will not be created as a result of this agreement.

"The Agreement signifies the dedicated efforts of many Mi'kmaq, who struggled to maintain their identity, heritage and culture in Newfoundland and Labrador throughout the years," said Mr. Sheppard. "It is most evident that the official ratification of the Agreement in Principle truly reflects the sincerity and commitment of Prime Minister Harper's government to work in good faith with consideration for the Aboriginal people of Canada."

When Newfoundland joined Confederation in 1949, there was no agreement between the province and Canada for extending the *Indian Act* to include the Aboriginal population. While Canada has provided ad-hoc funding for social and health programs for the Mi'kmaq of Newfoundland, recognition under the *Indian Act* will ensure they have full access to the same programs and services available to status Indians across Canada.

Members of the FNI voted 90 per cent in favour of the agreement during a ratification vote in March 2008. Enrollment of eligible members will begin shortly and is expected to conclude sometime in 2010 with the formal creation of the Qalipu Mi'kmaq First Nation Band.

The FNI, based in Corner Brook, is an organization representing approximately 7800 members from nine Mi'kmaq communities across the island of Newfoundland.

Backgrounder - Agreement between Canada and the Federation of Newfoundland Indians

Frequently Asked Questions - Agreement between Canada and The Federation of Newfoundland Indians (FNI)

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Backgrounder - Agreement between Canada and the Federation of Newfoundland Indians

The Government of Canada and the Federation of Newfoundland Indians (FNI) have signed an agreement to establish the Qalipu Mi'kmaq First Nation Band. With Band creation and membership registration, eligible Band members will be able to access certain federal programs and services like non-insured health benefits and post secondary student support.

The FNI, based in Corner Brook, is an organization that represents approximately 10,500 members from nine Mi'kmaq communities across the island of Newfoundland.

History

1949 — Newfoundland and Labrador was the last province to join Confederation. As a result, the province faced unique issues related to how the *Indian Act* applied to the Aboriginal people in the province. At the time, there was no agreement between the province and Canada as to if, how or when the *Indian Act* system would be applied to the Labrador Innu, who live primarily in Labrador, and Mi'kmaq, who live primarily on the island of Newfoundland. In the absence of such an agreement, coupled with the fact that there were no reserve lands nor federal treaties requiring reserve creation, the *Indian Act* was not applied.

1951 — In order to address this unique set of circumstances and to assist the province with rising social welfare and health care delivery costs for the Aboriginal population, Canada began a series of ad hoc funding arrangements reimbursing the province for these expenditures.

1970 — This ad hoc approach was replaced by five-year funding agreements covering social assistance, housing, education and health-care costs.

1976 - 1981 — A variety of studies and discussions regarding the application of the *Indian Act* were held between the Innu (organized as the Innu Nation, living primarily in Labrador) and the Mi'kmaq (organized under the FNI, living primarily on the island of Newfoundland).

1981 — The Minister of Indian Affairs and Northern Development agreed to proceed with Band recognition for the community of Conne River, a community with a unique history in the province and a concentrated population located on the island of Newfoundland, and to explore application of the *Indian Act* for the FNI (Mi'kmaq) membership.

1984 — Conne River First Nation was brought under the *Indian Act* and Canada began joint research with the FNI on registration of their members.

1989 — No suitable solutions to address the concerns of both Canada and the FNI could be found. FNI launched a Federal Court action against Canada.

The Road to the Agreement

2002 to 2008 — The two Innu bands (located in Natuashish and Sheshatshui) in Labrador were brought under the *Indian Act*, leaving the FNI communities on the island as the last group in the province still outside of the Act.

Exploratory out-of-court talks with the FNI began in 2002 and preliminary negotiations commenced in 2003. An agreement was reached between the negotiators for the FNI and Canada in the summer of 2007.

During a March 29, 2008 ratification vote, 90 per cent of the eligible members of the FNI who cast their vote, voted in favour of the agreement. A simple majority was required for the vote to be successful.

On June 23, 2008, the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, and the President of FNI signed the agreement in Ottawa, Ontario.

Next Steps

A 12 to 18 month enrolment process will begin for eligible Mi'kmaq in the province. The process is expected to conclude sometime in 2010, with the formal creation of the Qalipu Mi'kmaq First Nation Band. No reserve will be created as a result of this agreement.

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Frequently Asked Questions - Agreement between Canada and The Federation of Newfoundland Indians (FNI)

What is the Federation of Newfoundland Indians (FNI)?
The FNI is an organization that represents nine Mi'kmaq communities across the island of Newfoundland. It is based in Corner Brook and currently has approximately 10,500 members. For more information on the FNI, please visit their Web site *(external link, opens a new window)* .

Why were First Nation people in Newfoundland not registered under the Terms of Union in 1949?
In 1949, Newfoundland and Labrador was the last province to join Confederation. There was no agreement between the province and Canada as to if, how or when the *Indian Act* system would be applied to the Innu, who live primarily in Labrador, and the Mi'kmaq, who live primarily on the Island of Newfoundland. In the absence of such an agreement, coupled with the fact that there were no reserve lands nor federal treaties requiring reserve creation, the *Indian Act* was not applied.

From the 1950s to the 1980s, Canada provided ad-hoc funding to the province for social and health programs for Aboriginal communities living in the province. Over time, however, both the federal government and the First Nation population expressed a desire for a more systematic application of the *Indian Act* system.

What are the programs and services that will be available to the FNI's membership?
The programs and services that will be available to the members of the Qalipu Mi'kmaq First Nation Band include the following:

- Post Secondary Student Support
- Band Support Funding
- Band Employee Benefits
- Indian Registry Administration
- Community Economic Development Opportunities
- Non-Insured Health Benefits (Health Canada)

Once the Band is created and its members registered, the programs and services above will be available to the members of the new Band.

Will there be a reserve created for the Qalipu Mi'kmaq First Nation Band?
No. The FNI is opposed to a reserve-based model for their members.

Has the agreement been ratified by the FNI membership?
Yes. During a March 29, 2008 ratification vote, 90 per cent of the eligible members of FNI who cast their vote, voted in favour of the agreement.

Has the agreement been signed by the parties involved?
Yes. On June 23, 2008, the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, and the President of FNI signed the agreement in Ottawa, Ontario.

What are the next steps?
A 12-18 month enrolment process will begin for eligible Mi'kmaq in the province. The process will be concluded sometime in early 2010, with the formal creation of the Qalipu Mi'kmaq First Nation Band. No reserve will be created as a result of this agreement.

How will bringing the FNI's members under the *Indian Act* benefit the Mi'kmaq of the province?
This tailor-made-for-Newfoundland approach will improve the quality of life and economic prospects of the FNI membership.

This solution will not create a new reserve, avoiding any dislocation of FNI members from their existing communities.

As well, it provides equitable access to federal programs and services designed for First Nations people in Canada while building a strong foundation for Mi'kmaq cultural growth and development.

How will membership in the new Band be determined?
The FNI and the Government of Canada are establishing an Enrollment Committee to assess whether an applicant meets the negotiated eligibility criteria. This Committee will include representatives from Canada and the FNI, as well as an independent chair.

The Committee's role is to receive and assess applications during a 12-month period (with a possible six-month extension). After this period it will provide both parties with a first Founding Members list. If the minimum number of Founding Members (50 per cent of the FNI's current membership) is achieved, the Minister of Indian Affairs and Northern Development will recommend the establishment of a new Band.

For a period of 36 months after the original Founding Members list is created, the Enrollment Committee will continue to consider new applicants and will prepare an additional Founding Members list to be added to Band's original membership.

Who is eligible for membership in the new Band?
An individual is eligible to be enrolled in the new Band if that person is alive at the time that the Band is established by the Government of Canada and:

- is of Canadian Indian ancestry by birth or adoption;
- was a member of the Newfoundland pre-Confederation Mi'kmaq Community on or before March 31, 1949, or is a descendant of such a person by birth or adoption;
- is not registered in the Indian Registry as of the date of the establishment of the new Band;
- and self-identifies and is accepted by the Mi'kmaq Group of Indians.

Does this agreement cover all Mi'kmaq within the province, and if not, why?
This agreement is open to all eligible Mi'kmaq of the province.

However, there are two groups who are not currently participating in the process. In 2003, these two Mi'kmaq groups, the K'taqmakuk Mi'kmaq Alliance (KMA) and the Sip'kop Mikmaw (SMA), jointly commenced litigation against the federal and provincial governments seeking recognition as bands under the *Indian Act*, reserve creation, access to federal programs and services, and compensation.

In 2004, both the KMA and the SMA were invited to participate in discussions with Canada alongside the FNI. At the time, both groups confirmed that they were not interested in pursuing negotiations and that they would be continuing with their litigation. Their application to the court for class action certification was denied on February 6, 2007. Their appeal of this decision was heard on June 17–18, 2008, but a decision has not yet been rendered.

As this matter is still before the courts, no further comment can be made at this time.

However, the Government of Canada believes that more fruitful solutions to issues are resolved through negotiation rather than litigation. The process negotiated between Canada and the FNI is open to all eligible Mi'kmaq within the province, including members of the KMA and the SMA.